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OFFICE OF PETITIONS

In re Application of :
Bryan Blair, et al. :
Application No. 09/738,023 :
Filed: December 15, 2000 :
Attorney Docket No. 1 -Step Surety System :

ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b), filed August 7, 2006, to revive the above-identified application.

The petition is **GRANTED**.

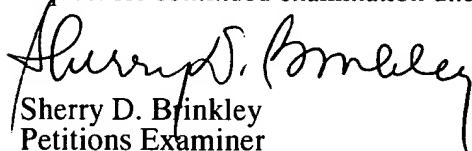
This application became abandoned for failure to timely reply to the final Office action mailed December 5, 2005. A Notice of Abandonment was mailed on June 16, 2006. In response, the present petition was filed, including a Request for Continued Examination (RCE), an amendment and a 3-month petition for extension of time.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the extension fees submitted with the present petition are being credited to counsel's deposit account. It is noted that in addition to receiving extension fees of \$1,020, counsel's deposit account was charged additional extension of time fees of \$570. Therefore \$570 is also being credited to counsel's deposit account, for a total refund of \$1,590 in extension fees.

The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

The application file is being forwarded to Technology Center AU 1761, for further processing of the request for continued examination under 37 CFR 1.114.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions